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THE NEW STATE CONSTITUTION.

A SUMMARY OF ITS PROVISIONS.

Some of the More Important Changes as Compared With the Old Constitution.

The new constitution of South Carolina, as adopted by the recent convention, is quite a lengthy document, and would occupy too much space in our columns, so that a brief synopsis with the more important changes will prove just as acceptable to a majority of our readers, who would scarcely undertake to read the entire constitution. This synopsis has been carefully prepared by the Yorkville Enquirer, and gives all the changes and modifications in our organic law:

Article 1 is devoted to a declaration of rights. The provisions of this article are about the same as in the old constitution. Among other things, it guarantees equality before the law, uniformity of taxation, the right of trial by jury, liberty of the press, free and open elections, the privileges of the writ of habeas corpus, and the prohibition of corporal punishment and imprisonment for debt, except in cases of fraud.

Article 2 relates to the right of suffrage. Nobody is to be allowed to vote except male citizens of the State and United States who are 21 years of age and over. They must have resided in the State two years, in the county one year, and in the polling precinct four months. They must also have paid, six months before an election, any poll tax that may have been due and payable. Ministers and teachers in active service are entitled to vote after six months' residence, when otherwise qualified. All voters must be registered, and the principal other requirements for the securing of a registration certificate is ability to read the constitution of the State or understand it when it is read. This continues of force until January 1, 1898. After that time those who are not otherwise disqualified will be required to be able to read and write, or they must pay taxes on property to the amount of \$300. All persons convicted of any of the following crimes are disqualified from being registered or voting: larceny, arson, obtaining goods or money under false pretences, perjury, forgery, robbery, bribery, adultery, bigamy, wifebeating, house-breaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to kill, miscegenation, or larceny or crimes against the election.

Article 3 relates to the legislative department. This is to consist, as heretofore, of house and senate. The members of the house are to be elected every second year, and the members of the senate every fourth year. The house is to consist of 121 members, divided among the counties in proportion to population, and the senate is to consist of one member from each county. The time of holding the sessions of the General Assembly is fixed to begin on the second Tuesday in January of each year. For the first four sessions, there is no limit as to the sittings. After that time the members will not be entitled to compensation for more than 40 days. The General Assembly is required to enact a homestead law that will secure the heads of families exemption from attachment, levy and sale, real property to the value of \$1,000, and personal property to the amount of \$500. In addition to this, those who are not heads of families are to be exempt from the amount of \$300 in necessary wearing apparel and tools of trade, etc. The marriage of a white person to a person having more than one-eighth Negro blood is null and void, and no unmarried female who has attained the age of 16 years shall legally assent to sexual intercourse. The General Assembly is not allowed to enact local or special laws in any case where a general law can be made applicable. The General Assembly is required to limit the number of acres of land that may be owned by an alien, or corporations controlled by aliens.

Article 4 relates to the executive. It does not show any important changes from the old article on the subject. The governor's term of office is to be two years, and he is to be eligible to re-election. No person, however, is eligible to the office of governor who denies the existence of a Supreme Being. The governor has the right to grant reprieves, pardons and commutations, and when he shall deem it desirable, he may suspend the operation of the legislature. There is no change in the names or duties of the various heads of departments provided for in the old constitution.

Article 5 relates to the judicial department. The judicial power of the State is to be vested in the Supreme Court, Circuit Courts of general sessions and common pleas, and such county, municipal and other courts as the Legislature may deem it desirable to establish. No county court can be established except on the consent of a majority of the qualified voters of the county; and no court inferior to that of the general sessions shall ever be vested with jurisdiction to try cases of murder, manslaughter, rape, arson, burglary, bribery, or perjury.

The Supreme Court shall consist of a chief justice and three associate justices, all of whom shall serve for terms of eight years. The concurrence of three justices shall be required to reverse the judgment of a court below. Where the justices are equally divided, the opinion of the court below must stand. In special cases, all the circuit judges may be called on to act as associate justices. An execution must be made in the case of the judge who originally tried the case under consideration. If the full court is made up of an even number, one of the circuit judges, to be chosen by lot, must retire.

The Circuit Court system remains unchanged. It is required that the court of common pleas in each county at least twice a year. The judges of Circuit Courts in all their decisions within 60 days after the rising of the respective court, and the supreme court justices may file their decisions within 60 days after hearing an argument.

The court of probate is to remain as now established in the county of Charleston. In the other counties, the duties of the office may be vested

as the General Assembly may prescribe.

The governor has the right to appoint as many magistrates as may be deemed necessary. Each magistrate is to serve two years, if not removed for cause, and is to receive a stipulated salary in lieu of all fees. Each one will have the right to appoint a constable to serve his writs and processes, and will have jurisdiction in civil cases where the amount in litigation does not exceed \$100, and in criminal cases where the punishment is not more than 30 days imprisonment or \$100 fine. In criminal cases beyond their jurisdiction, they shall have the power to hear testimony and commit for trial, or release on bond as the facts seem to justify, except in cases involving capital punishment, when they are required to commit for trial. They shall also have the power to bind over to keep the peace for periods not longer than 12 months.

All persons charged with crime shall have the right to demand and obtain a trial by jury. In inferior courts, the jury shall consist of not less than six qualified voters. In the Circuit Courts, the jury shall consist of not less than 12 men, all of whom must agree to a verdict. No criminal case can be presented to the Circuit Court, except on the agreement of 12 out of a panel of 18 grand jurors. Judges have no right to charge juries in regard to matters of fact. They can only declare the law.

Clerks of the court are to be elected as heretofore, and their duties remain unchanged. They can, however, be removed from office in such manner as may be prescribed by law.

Provision is made for circuit solicitors the same as heretofore. It is provided, however, that in the event of the establishment of County Courts, there shall be elected a county solicitor by the qualified voters of each county, and these county solicitors shall perform the duties that have heretofore been performed by the district solicitors.

Sheriffs and coroners are to be elected for four years each, and are to be disqualified for election if it shall appear that they, or either of them, are in default of money collected by virtue of their respective offices.

Article 6 relates to jurisprudence. One of the most important provisions relates to a change of venue. The State has the same right to move for a change of venue as a defendant. There can be no motion for a change of venue until after the trial, and there has been a true bill by the grand jury, and even then the change must be made to some other county in the same circuit.

The General Assembly is required to provide for a speedy and effective codification of the laws. The General Assembly is required to provide for the custody of any officer, the officer is subject to prosecution for misdemeanor, and the solicitor shall institute proceedings at once. If the grand jury returns a true bill, the officer shall be suspended from office, and a prisoner convicted by a jury ever after be ineligible to hold any office of trust or profit, unless pardoned by the governor. Not only this, the legal representative of an individual murdered by a mob, shall be entitled to damages in the sum of \$2,000 in exemplary damages, to be paid by the jury, which the murder was committed, and the county is allowed to recover the money, if it can, from the persons who did the murder. Not only this, the murderers are also liable to criminal penalties, and such penalties as may be prescribed by law.

Article 7 relates to counties and county governments. No old county shall be reduced to less than 500 square miles or less than 2,000,000 taxable property. No new county can be formed of less than 500 square miles of area, taxable property to the amount of \$1,500,000 and population equal to 1-12th of the population of the whole State. Elections on the subject of forming a new county must be called on a petition of not less than one-third of the qualified voters of the area of the proposed new county, or two-thirds of the voters of each section voting in the election, vote for the formation of the proposed new county, then the new county can be formed; but if two-thirds of the voters voting in the election vote to be composed of two-thirds of the voters of each section voting in the election, vote for the proposed new county, it is also provided that in the formation of new counties, no old county shall be cut within eight miles of its court place, building, nor its population reduced below 15,000. Townships are made bodies politic and corporate, and provision is made for the organization of a system of township governments by the Legislature.

Article 8 relates to municipal corporations. The General Assembly is required to pass general laws for the organization of municipal corporations, and no town can be incorporated except with the consent of a majority of its qualified voters. The power of cities and towns to levy and collect taxes must be restricted by the General Assembly. The Legislature has no power to grant a franchise to a corporation to construct any kind of public works in a town, without the consent of the municipal authorities. Towns shall have the right to own their own water, light and tramway, gas, etc., by purchase or construction, on a majority vote of those qualified to vote on such matters. All municipal taxes and licenses must be just and uniform. No city or town is allowed to incur a bonded indebtedness in excess of 8 per cent. of the value of its taxable property, and under no circumstances is it allowed to incur a bonded indebtedness except on the consent of a majority of its qualified electors. With the consent of a majority of its qualified electors, cities and towns may be allowed to pass laws prohibiting prize fighting. The right to prohibit the manufacture and sale of alcoholic liquors in this State, is reserved to the Legislature. The Legislature also has the power to give this right to cities, towns and villages, counties, towns and cities, or the State. It is provided, however, that under no circumstances can liquors be sold in quantities of less than one-half pint, and in sealed packages. They

can't be sold between sundown and sunup, and they can't be drunk on the premises. The Legislature cannot delegate to any municipal corporation the power to license the sale of alcoholic liquors.

Article 9 relates to corporations other than municipal, religious, penal, educational or charitable. No charter can be granted except under general laws, or a two-thirds vote of the General Assembly. No common carrier or common transmitter shall make any contract that shall exempt it from any legal liability. All corporations doing business in this State must maintain an agent here upon whom processes may be served. There shall be no discriminations in charges for the same services to different parties, except excursion and commutation tickets are allowed to be sold at special rates. No railroad or express or telegraph company is allowed to obtain possession or control of another in this State by consolidation, lease, purchase or otherwise. The right to build or operate a railroad, telegraph or express business in this State, shall not be granted to any foreign corporation, unless such foreign corporation first be incorporated under the general laws of this State. No corporation shall issue stocks or bonds, except for labor performed, or money actually paid, and no fictitious values shall be created. The General Assembly is required to enact laws to prevent the organization of trusts or corporations. All employees of corporations are guaranteed the fullest right to recover damages in case of injuries, and they are not allowed to make any contract that will exempt the corporations for which they work from responsibility. Stockholders of insolvent corporations can only be held liable for unpaid subscriptions to the corporate stock. Bank stockholders are liable in double the amount of the face value of their stock.

Article 10 relates to finance and taxation. The most important feature of the article is the fact that no county or township can be chartered to increase its bonded indebtedness for any purpose, except to pay ordinary county expenses, build public roads and bridges, and increase educational facilities. The State debt cannot be increased except on a vote of the people.

Article 11 relates to education. The supervision of the public school system is vested in the State superintendent of education and a board of education composed of the governor and not more than seven other persons, to be appointed by him every four years. The Legislature is charged with the duty of making provisions for the election or appointment of all other school officers. The salaries of all State and county school officers must be provided for by the General Assembly out of other than school funds. The General Assembly is required to provide a liberal system for the education of all the children between the ages of 6 and 21 years. The counties must be divided into special school districts, except that graded school districts are not to be interposed between county boards of commissioners are required to pay an annual tax of 3 mills on the dollar for school purposes, and, in addition, there is to be levied on all polls between the ages of 21 and 60 a tax of \$1. In the case of Confederate soldiers, the duty of the county is to provide for the next three years, the amount of less than \$3 per capita for the enrollment, then the comptroller general is required to make such additional levy on the whole State as will be necessary to supply deficiencies in the amount of the school fund. The requirements, after December 1, 1895, the General Assembly is required to levy, in addition to what has already been provided for, such tax as may be necessary to bring the school fund up to an amount that will guarantee the completion of the school term, such terms as may be determined by the Legislature during the year as the General Assembly may think desirable. Separate schools shall be provided for whites and colored, and it shall be unlawful for the children of one race to attend school with the children of the other race.

The Legislature may provide for the various higher institutions of learning. It shall be unlawful to use the property of the State, or any political subdivision of it, in the maintenance of any denominational institution. A part of the State's profits from the sale of alcoholic liquors shall go to supplement taxes for school purposes.

Article 12 relates to the penal and charitable institutions. It provides that institutions for the care of the blind, deaf and dumb and insane shall be fostered by the State. The county is required to provide for the poor within their borders, and to provide for themselves. Convicts sentenced by any of the courts to hard labor may be worked on the public roads of the State, or of the counties from which they were sentenced. The General Assembly is authorized to establish a reformatory for various reasons, and all penitentiary convicts must forever remain under the supervision and control of State officers.

Article 13 relates to the militia. All able bodied males in the State, between the ages of 18 and 45 years, except such as may be exempt for various reasons, constitute the militia, and shall be under command of an adjutant and inspector general elected by the people. The governor is commander-in-chief, and has the power to call out the militia when the safety of the State is endangered by any invasion. The General Assembly is empowered and required to pass laws providing for pensions for indigent Confederate soldiers and sailors, and for their widows.

Articles 14 and 15 relate to eminent domain and bankruptcy. They are about the same as in the old constitution. Article 16, relating to amendment and revision, is also practically the same as in the old instrument.

Article 17 relating to miscellaneous matters, makes several new provisions. All offices in the State except librarian, clerk and notary public, shall be held by electors. The office of State librarian may be filled by a woman provided she is 21 years of age and has been a resident of the State for two years. Divorces from the bonds of matrimony are prohibited. No one who denies the existence of a Supreme Being is eligible for office under the constitution. All lotteries and advertisements of lotteries are prohibited. Any person holding an office of honor or trust, who shall be convicted of gam-

bling, shall be deposed and forever afterward disqualified from holding office. Married women have the right to hold property in their own name and make contracts the same as if they were unmarried. All laws in force now, and not repugnant to this constitution, continue in force until they are repealed or expire of their own limitation, and the provisions of all laws inconsistent with this constitution cease on its adoption. This constitution goes into effect on December 31, 1895. All the provisions of the old constitution not re-enacted in the new one, are repealed.

THE RECORD OF A YEAR.
What South Carolina Has Raised on Her Farms—Large Yields and Good Prices.

This has been an abundant harvest year in South Carolina and the farmers are well satisfied with the result. The year was in strange contrast with the preceding one, particularly as prices have been so much better for farm products.

During the year just closed, while the official figures are not yet at hand, the estimate by competent authority is that the corn crop has been the largest ever harvested in this State. The total crop is estimated at 20,000,000 bushels. The average yield per acre has been 15 bushels, against 12 1/2 last year. The largest previous corn crop was about 17,000,000 bushels.

It is estimated also that the State has furnished to the markets of the world this year 638,148 bales of cotton, the average bale being 450 pounds. The acreage in cotton during the year just closed is estimated at 1,957,000. The prices paid for the crop are pretty generally known. It is thought that the average price per pound will work out to be almost 6 cents for the entire crop.

Besides all this grain crops were unusually fine the past year, and so was the tobacco crop, the latter bringing excellent prices. Again the smoke-houses of the State have been filled with sufficient hog and hominy and like products, it is said, to feed the entire State for two years.

It may be added also that South Carolina has never had a better fruit crop year than this has been. The fruit was of an unusually fine quality and there was an abundance of it, bringing good prices in the northern markets. This is true also of the melon crop.

So taking things all in all South Carolina ends the present year in a far better condition than she has ended any single year for half a decade or more. There is every reason why the masses of the people should be able to pay their taxes now and then have an unusually happy Christmas, and then begin the new year with hopeful faces.

During the past year also South Carolina has made great progress on industrial lines.

MANASSAS AND APPOMATTOX.—The Manassas (Va.) Journal says that the public sale of the McLean estate brings to mind a singular incident in our history we recall in our reading of history:

The first meeting of the Army of the Potomac and the Army of Northern Virginia took place at Blackburn's Ford, July 18, 1861, and brought on the first battle of the war. At 10 a. m. of that day Beauregard took up his headquarters at the McLean House, and there McDowell attacked him with a heavy force of infantry and artillery. On the 9th of April, 1865, after 1,361 days of almost constant fighting, the commander of the Confederate Army, Appomattox, which has become historic, and town of which all the strategy of the war converged, and around which it so suddenly culminated. And so it happened, as Major McLean frequently said, that the war began on him and ended on him.

Two of the most interesting widows in New York are Mrs. Ulysses Grant, wife of the great Northern leader, and Mrs. Jefferson Davis, wife of the President of the Confederate States, says the New Orleans Picayune. Mrs. Grant owns a magnificent home on the fashionable West Side, near Riverside Park. The halls, parlors and libraries are filled with mementoes of the distinguished general. There are battle pictures hung with tattered flags, busts in bronze and marble and wonderful gifts from all sorts of people. Mrs. Davis lives with her daughter, Mrs. Annie Davis, in one of the fashionable hotels in 5th Avenue. Here she receives with old-fashioned Southern hospitality the flow of Northern and Southern chivalry. It seems strange that those two women, whom the war left in such widely different spheres, the one the wife of the conqueror, the other the wife of the conquered, should come after long years from the West and the South to live in New York. Strangest of all is the fact that they are warm personal friends and spend much of their time together.

—Rev. John Jasper is as firmly convinced as ever that the sun moves round the earth and that the earth doesn't move at all. He preached his famous "sun-do-move" sermon to an audience of 1,000 in the city of Richmond, Va., last Sunday, and was more than ever scornful toward the scientists and emphatic in his arguments for the literal acceptance of Biblical texts bearing on the point. "When you rises and when you sets down, don't you move? Don't you see the sun rise and go down 'thout movin'?" he argues.

—Mr. Quay has introduced a bill providing for postal savings banks, allowing deposits from 10 cents to \$10 to be made at all money order offices and allowing interest on all deposits less than \$500.

THE STATE'S LEGAL BATTLES.

THE ATTORNEY GENERAL'S ANNUAL REPORT.

A Year of Extraordinary Litigation—The Registration and Dispensary Acts.

The annual report of Attorney General Barber contains some interesting information as to the large number of very important cases the department has had to deal with during the past year. It is quite a remarkable fact that notwithstanding the eighty cases handled, which is a very small number than usual, and the fact that most of them were of a very important character, the Attorney General makes recommendation that only two fees for outside assistance be paid. These are the fees of General McCurdy and George S. Mower, Esq., who were called to assist in the registration cases.

Attorney General Barber gives a brief statement of all the cases arising during the year and the status of those still pending on appeals to the higher courts is fully and most perspicuously explained.

A good proportion of the eighty cases have not been finally adjudicated as yet.

In concluding his report, Attorney General Barber says:

"By law the Attorney General is required to give advice to all State officers. During the present year the new scheme of county government established by the General Assembly went into operation. In consequence of the changes which had to be made suddenly, and the apparent inconsistencies between the new act and the old acts under which the county government was administered by the old county commissioners, the new officers elected under the law experienced great difficulty and embarrassment in its construction.

Numerous inquiries from nearly every county in the State were made by the Attorney General as to the proper interpretation of the law. For the purpose of aiding the new officers in the discharge of their duties and to produce uniformity in its execution, an exposition of the act was prepared and sent to each county supervisor in the State. The views of this office were generally adopted and the new scheme has been put in successfully operation and is now working well.

The dispensary act, approved 3d of January, A. D. 1894, went into operation immediately after its approval. In some of its features it was more stringent than the other acts on this subject, and it has been vigorously and persistently assailed during the year in both the State and United States courts.

Its constitutionality was assailed in the United States courts on various grounds. Numerous actions for damages have been brought on the law side against constables for the seizure of liquors in which damages were claimed. These were based principally upon the grounds that the act is in violation of the Constitution of the United States and the acts of Congress relating to interstate commerce, and that it establishes a monopoly in the liquor traffic in restraint of trade.

In equity, suits have also been instituted praying for injunction to restrain the State constables and other officers from seizing liquors imported into the State.

Such suits were brought against Judge Simonton, in the case of *Donald vs. State*, and against the constables and other officers from seizing liquors imported into the State for personal use, which is still of force. An appeal has been taken from his decree.

The Supreme Court of the United States, which is still pending, has jurisdiction of the right of a citizen to import within the State for his own use. Another suit in equity, instituted by James Dunbar vs. John Gary Evans and other members of the State board of control, and others, is still pending in the Circuit Court.

In this action the dispensary act is assailed upon numerous constitutional grounds. The bill charges that it is in conflict with many sections of the Constitution of the United States and the State.

As it will be seen from a report of the cases, a great many contempt proceedings were instituted before the United States Circuit Court to punish constables for violations of the order of injunction granted by Judge Simonton. When these were heard, Judge C. H. Simonton explained the order directed that where constables acted from facts or inferences of facts, showing the liquor was intended for sale and not for personal use, in making seizures they would be justified in their action. In the numerous cases, but three constables were adjudged in contempt for disobedience of the order. This ruling deterred many importers from bringing liquors within the State, under the guise of importing them for personal use, when they were really intended for sale, and enabled the State constables to exercise a wise discretion in making seizures, and in this way violations of the dispensary law have been materially checked.

In some of the towns and cities in the State there has been stubborn opposition and resistance to the law. It has been difficult in plain cases to secure convictions by juries, notably in Charleston. In that city it became necessary to resort to contempt proceedings to reach offenders and to make a motion for a change of venue in consequence of failure to find true bills.

It has required a great deal of time of the Attorney General and the Assistant during the present year to defend these numerous actions arising under the dispensary law.

During the present fiscal year the registration and election laws of South Carolina were attacked in the State courts. Four actions were instituted to test their constitutionality, one in the State court and three in the United States Court. An eminent citizen of the State filed a petition in the State Supreme Court praying for an order of injunction to restrain the proper State officers from issuing warrants for the salary of the supervisor of registration and paying them, on the ground that the law allowing the salary was null and void. The three United States Court were the equity side of the persons on their own behalf other persons of a like character stunted, to be declared unconstitutional grounds and to be void. A constitution called by the State and the ostensible actions was to assembling, and every way possible. These suits, in consequence of the fact that the Attorney General had been disposed of in the United States.

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understand, he would direct that proceedings be instituted to see if the charter was annulled, and that combination was not effected. He said that he has already advised the Secretary of State not to record any railroad reorganization or charter papers until they were referred to the Attorney General's office. If the case of the reorganization of the Port Royal and Western Carolina Road could not be reached by the new constitution he said that there was no doubt in his mind that it was a case that was fully covered by the existing statute law.

Governor Evans says that the people of the State have repeatedly expressed themselves against the consolidation of competing lines, and that he expects to see every fragment of law enacted in trying to defeat the expected consolidation.

As to the Port Royal and Augusta case Governor Evans is confident as to the final result, and he thinks that the Federal courts will sustain the State courts in the matter. He is somewhat disappointed that the case should have taken this long to reach a final settlement, as it has been in the mind of the people for some time.

Governor Evans says that the owners of railroads may as well realize that there is no need for them to try and "jockey up" competing lines, and that the State will in conformity with the laws do everything it can to prevent any such consolidations.

The appointment of Judge Rufus Pickens to the Supreme Court of the United States is said to have more than ordinary significance. While it is generally conceded that from a judicial standpoint the selection of Judge Pickens is admirable and is commended by the legal fraternity throughout the country, it is said by those who occupy close personal relations with the President that he intended Judge Pickens's appointment to be his contribution to a genuine peace conference in New York politics. It is also whispered around Administration circles that the President will cheerfully aid in any general movement looking for the harmonizing of the Democratic forces.

It is announced that a meeting of the American Cotton Growers' Protective Association will be held in January, when the results of investigations by the president, Mr. Hector D. Laha, of Alabama, will be made known, and it will be shown that there has been a great reduction in acreage during the year 1895, which is just coming to a close, and that the diminution of acreage together with the worms and unfavorable seasons in some portions of the cotton growing region of the United States lowered the yield largely compared with the previous crop and advanced prices to a figure which actually afforded the producer enough profit from his labor to pay for supplies for the next crop.

Governor Evans says that he has been overrun with correspondence relative to new counties. There is no use to send him petitions, papers or anything else on the matter of new counties until after the new regulations that it will be impossible to do anything until after there has been a registration.

One of the most curious inventions on exhibition at the Mechanics' Fair, in Boston, is an angar that bora a square hole.